



Montana Fish, Wildlife & Parks

PROPOSED

new language is highlighted in yellow

Clark Fork River Cleanup Closure Rules

I. PURPOSE

(1) The purpose of the following seasonal rules is to address public safety concerns during construction and to protect vegetation planted during phases one, two, five and six of the Milltown Reservoir / Clark Fork River Superfund Site cleanup, at the request of the Montana Department of Environmental Quality and the Montana Department of Justice, Natural Resource Damage Program.

(2) These closure rules apply to portions of the Clark Fork River and Warm Springs Wildlife Management Area located in Deer Lodge County downstream from Warm Springs Ponds.

(3) Phase One and Phase Two will expire on September 15, 2016. Phases Five and Six provide for occupation of the waters of the Clark Fork River but prohibit occupation of the floodplain for the protection of new vegetation.

II. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE – PHASE ONE COMPLETION

(1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from June 6, 2014 through September 15, 2016 for 1 3/4 river miles starting 3/4 mile downstream of the Pond 2 outflow and proceeding downstream to the Warm Springs WMA boundary as signed.

III. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE – PHASE TWO

(1) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating from December 1, 2014 through September 15, 2016 for 1.9 river miles starting at the river's upstream boundary with the Warm Springs WMA and proceeding downstream to Perkins Lane road as signed.

(2) The road accessing the eastern portion of the wildlife management area is closed from September 15, 2015 through September 15, 2016 as gated and signed.

(3) The portion of land south and east of the road closure to the downstream boundary of the wildlife management area is closed to all public occupation from September 15, 2015 through September 15, 2016 as signed. The Job Corp Ponds portion of the WMA will remain open through the closure for angler opportunity and waterfowl hunting only with road access from the north end of the Job Corp Ponds via Perkins Lane.

IV. CLARK FORK RIVER SHORELINE CLOSURE – PHASE FIVE AND SIX

(1) The banks of the Clark Fork River above flowing water are closed to all public occupation for 4.5 river miles starting where the river flows under the Galen Road and proceeding downstream to where the river flows under Gem Back Road, as signed.

V. EXCEPTIONS TO RIVER CLOSURES

(1) The general exceptions and applications identified in 12.11.505, ARM, apply to these closure rules.

(2) Equipment and employees necessary for completion of the cleanup are permitted to occupy the closed portions of the Clark Fork River and Warm Springs WMA.

(3) The commission authorizes the department, with approval of the commissioner in whose district the closures are located, to repeal any or all portions of the rules when appropriate.

VI. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

(1) Parts I, II, III, and V of this rule have been effect since June 5, 2013.

(2) Part IV of these rules are effective upon final approval of the commission.

(2) Parts II and III of this rule will expire on September 15, 2016.

(3) Parts IV and V of this rule will expire on September 15, 2018.

(2) This rule may be repealed at anytime by the commission. Signs restricting use of the Clark Fork River and Warm Springs WMA will be removed when the rule is not active.